

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:23-CV-343-DCK**

**SECURIAN LIFE INSURANCE COMPANY,** )

**Plaintiff,** )

**v.** )

**ROBERT T DIGH, AUDREY E.  
LINEBERGER, MATTHEW S. BALDWIN,  
MICHAEL S BALDWIN, and  
TAYLOR K. DIGH,** )

**Defendants.** )

**ORDER**

**THIS MATTER IS BEFORE THE COURT** on Plaintiff's "Motion To Deposit Interpleader Funds" (Document No. 8) filed August 30, 2023. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will grant the motion.

By the instant motion, Securian Life Insurance Company ("Plaintiff" or "Securian Life") requests permission to present a check in the amount of \$385,520.00, plus accrued interest, if any, payable to the Clerk of Court for deposit into the Court's Registry. These funds constitute life insurance benefits plus accrued interest, if any, payable by the reason of the death of Ellen V. Digh under Duke Energy Corporation's employee welfare benefit plan.

The Court finds that the proper payee of these funds is in dispute and that their deposit into the Registry of the Court is appropriate. Moreover, no response to the motion has been filed and counsel has recently informed the Court that no party objects to the requested relief. See (Document No. 21, p. 4).

**IT IS, THEREFORE, ORDERED** that Plaintiff's "Motion To Deposit Interpleader Funds" (Document No. 8) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Clerk of Court accept Plaintiff Securian Life Insurance Company's check and receive the funds at issue into the Registry of this Court. Funds received pursuant to this Order meet the Internal Revenue Service definition of a "Disputed Ownership Fund" (DOF) and must be deposited into the CRIS DOF administered by the Administrative Office of the United States Courts, which will be responsible for meeting all DOF tax requirements. The ultimate disposition of these funds will be determined by Order of this Court in the above-styled action.

**SO ORDERED.**

Signed: November 3, 2023

  
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David C. Keesler  
United States Magistrate Judge

